

REMARKS

Entry of the amendment is respectfully requested since it would reduce the issues on appeal and does not introduce new matter. Reconsideration is also requested in light of the remarks which follow.

Claims 1 and 4-32 are pending in the application. Claims 6-23 are withdrawn from further consideration pursuant Rule 142(b) by the Examiner as directed to a non-elected invention.

Claims 1, 28 and 29 have been amended. Claim 28 has been amended in the manner suggested by the Examiner. Claims 1 and 29 have been amended to more clearly identify the manner in which the silica is secured to the surface. The securing "means" reflect forms of attachment set forth in the dependent claims, which methods have already been searched and considered by the Examiner.

Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse.

Claim 28 has been amended in the manner suggested by the Examiner. Withdrawal of the rejection is respectfully requested.

Claims 1, 4, 5, 24-32 are rejected under 35 U.S.C. 103(a) as being obvious over Henkel (WO 01/83662 A1) in view of Giatras et al. (US 4,701,345). Applicants respectfully traverse.

Henkel teach the use of particles with a particle size of 5 to 500 nm for improving the removal of dirt or the reducing the re-soiling of surfaces. The particles are used for finishing textiles, in detergents and for pre-treating or post- treating textiles. The problem addressed by Henkel was to provide a washing, pretreatment or after treatment composition which would be suitable for modifying, especially temporarily modifying, surfaces in such a way that an improvement in soil removal would be achieved and soil release properties would be temporarily

imparted to the surface. Permanent modification of textile surfaces was not desired. See paragraph 0006. The permanently modified surface lead to the loss of positive properties of the natural textiles. Temporary surface modification in the context of the Henkel invention means that the effect can be maintain after a few, more particularly up to four, washing or cleaning cycles. See paragraph 0009. The particles of the Henkel invention are incorporated in liquid, gel-form or solid compositions. See paragraph 0023.

There is no mention of a "permanent" surface modification in Henkel. There is no suggestion of a need to secure the silica particles to the surface. Henkel is concerned with cleaning, pre-treatment and post-treatment compositions. Henkel desires and clearly teaches that the surface modification be temporary. There is no teaching of securing the silica particles to the surface by a carrier, by being anchored in the surface, or by fixative particles.

Giatras et al. a process for coating an inert substrate such as braided glass fiber sleeving and inert substrates of other materials and shapes with a polymeric coating. A microwave energy chamber is used to remove solvent from the emulsion coated inert substrate. A uniform dielectric layer is formed on the inert substrate. The use of hydrophilic fumed silica, hydrophilic precipitated silica and aluminum oxide as thickening agents for the polymeric emulsion is taught. However, there is no mention of creating a hydrophilic surface. There is no characterization of the actual surface created. There is no mention of securing hydrophilic silica to a surface. There is no mention of securing the silica particles to a surface by a carrier, by being anchored in the surface, or by fixative particles.

It is respectfully submitted that Giatras et al. teach the equivalency of hydrophilic fumed silica, hydrophilic precipitated silica and aluminum oxide but it is for a purpose distinct from that needed by Applicants for their invention. Further, the equivalency taught by Henkel is for a purpose different from that required by the invention of the primary reference. Accordingly, it is not seen how one would have been lead to make the necessary substitution of silica types in the primary reference. Further, even if one did, one would still not be lead to the invention as claimed.

The claimed invention requires the hydrophilic silica to be secured to the surface. It should be noted that securing the hydrophilic silica to the surface, would defeat the surface quality desired by Henkel, which is a temporary surface modification. A permanent modification- secured silica particles- defeats another end which Henkel desires which is maintaining the natural characteristics of the fiber. Note discussion of prior art discussed by Henkel.

It is also noted in passing that the individual references are directed to distinct technologies (non-analogous arts), e.g. optical fiber coatings and cleaning compositions, and that there is no common problem which would suggest their combination.

Accordingly, it is respectfully submitted that a proper prima facie case has not been established. Withdrawal of the rejection is respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance. A notice to that effect is respectfully requested.

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Respectfully submitted,

By 

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